

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

**NATHAN BRUMLEY, both individually
and behalf of all other similarly situated
persons,**

Plaintiff,

v.

CAMIN CARGO CONTROL, INC.,

Defendant.

**Docket No.
2:08-cv-1798-JLL-CCC**

CIVIL ACTION

**PLAINTIFF'S MOTION IN SUPPORT OF SUMMARY JUDGMENT ON
THE ISSUES OF FLSA LIABILITY AND LIQUIDATED DAMAGES**

Motion Day: April 5, 2010 at 10:00 a.m.

Please take notice that on Monday, April 5, 2010 at 10:00 a.m. or as soon thereafter as counsel may be heard, attorneys for Plaintiff, Nathan Brumley, will move this Court, at the Martin Luther King, Jr. Federal Building & U.S. Courthouse, 50 Walnut St., Newark, New Jersey, for summary judgment on the issues of FLSA liability and liquidated damages.

In support of this motion, the undisputed facts would show the Court as follows:

1. Defendant's method of paying Plaintiffs overtime wages violated the FLSA, 29 U.S.C. §201 *et seq.*;
2. Because there is no fixed number of hours the salary is intended to cover, the FLSA default of 40 hours should be used to calculate the overtime rate; and
3. Defendant must pay Plaintiffs liquidated damages as required by the FLSA, 29 U.S.C. §216(b).

WHEREFORE, Plaintiffs will request that the Court grant Plaintiff's motion for summary judgment.

Dated: March 1, 2010

Respectfully submitted,

By: /s/ Patrick J. Monaghan

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